

Hearing Date and Time: July 1, 2015 at 9:45 a.m. (Eastern Time)
Opposition Deadline: June 24, 2015 at 4:00 p.m. (Eastern Time)

William P. Weintraub
Gregory W. Fox
GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York, New York 10018
T: 212-813-8800
E: wweintraub@goodwinprocter.com
E: gfox@goodwinprocter.com

*Designated Counsel for Ignition Switch
Pre-Closing Accident Plaintiffs*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re: :
MOTORS LIQUIDATION COMPANY, et al., : Chapter 11
f/k/a General Motors Corp., et al., : Case No.: 09-50026 (REG)
Debtors. : (Jointly Administered)
-----X

**JOINDER OF IGNITION SWITCH PRE-CLOSING ACCIDENT PLAINTIFFS TO THE
IGNITION SWITCH PLAINTIFFS' AND CERTAIN NON-IGNITION SWITCH
PLAINTIFFS' REQUEST FOR A STAY OF DISTRIBUTIONS OF GUC TRUST
ASSETS AND RESPONSE TO MOTION OF WILMINGTON TRUST COMPANY, AS
GUC TRUST ADMINISTRATOR AND TRUSTEE, FOR AN ORDER GRANTING
AUTHORITY (A) TO EXERCISE NEW GM WARRANTS AND LIQUIDATE NEW GM
COMMON STOCK AND (B) TO MAKE CORRESPONDING AMENDMENTS TO THE
GUC TRUST AGREEMENT AND REQUEST FOR STAY OF DISTRIBUTIONS OF
GUC TRUST ASSETS**

The Ignition Switch Pre-Closing Accident Plaintiffs,¹ by and through Designated
Counsel,² hereby join in the Ignition Switch Plaintiffs' and Certain Non-Ignition Switch

¹ As defined in the Judgment entered by this Court on June 1, 2015 [ECF No. 13177] (the “Judgment”) “Ignition
Switch Pre-Closing Accident Plaintiffs” means the subset of the Pre-Closing Accident Plaintiffs that had the
Ignition Switch in their Subject Vehicles (each term as defined in the *Agreed and Disputed Stipulations of Fact
Pursuant to the Court’s Supplemental Scheduling Order, Dated July 11, 2014*, filed Aug. 8, 2014 [ECF No.

Plaintiffs' Request for a Stay of Distributions of GUC Trust Assets and Response to Motion of Wilmington Trust Company, as GUC Trust Administrator and Trustee, for an Order Granting Authority (A) to Exercise New GM Warrants and Liquidate New GM Common Stock and (B) to Make Corresponding Amendments to the GUC Trust Agreement [ECF No. 13246] (the "Response/Request for Stay").

On April 15, 2015, the Court entered its Decision on Motion to Enforce Sale Order and held that

[b]y reason of its failure to provide the Plaintiffs with either the notice required under the Safety Act or any other form of written notice, Old GM failed to provide the Plaintiffs with the notice that due process requires. And because that failure prejudiced them in filing timely claims, the Plaintiffs were prejudiced as a result. The failure to give the Plaintiffs the notice that due process requires, coupled with the prejudice to them that resulted, denied the Plaintiffs the requisite due process.

In re Motors Liquidation Co., 529 B.R. 510, 574 (Bankr. S.D.N.Y. 2015) (the "Decision").³

Based on that ruling, the Court permitted all Plaintiffs – which includes the Ignition Switch Pre-Closing Accident Plaintiffs – to file late claims. *Id.* at 598. The Court, however, on equitable mootness grounds prohibited the Plaintiffs from recovering on any allowed late claims from the assets of the GUC Trust (the "Mootness Ruling"). *Id.*

The Ignition Switch Pre-Closing Accident Plaintiffs have filed a timely appeal from the Decision and the Judgment, including an appeal with respect to the Mootness Ruling. *See*

12826], at 3). Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion of Wilmington Trust Company, as GUC Trust Administrator and Trustee, for an Order Granting Authority (A) to Exercise New GM Warrants and Liquidated New GM Common Stock and (B) to Make Corresponding Amendments to the GUC Trust Agreement [ECF No. 13186] (the "GUC Trust Motion").

² Goodwin Procter LLP was engaged by Co-Lead Counsel in *In re: General Motors Ignition Switch Litigation* (14-MD-2543 (JMF)) to address certain issues of bankruptcy law affecting the Ignition Switch Pre-Closing Accident Plaintiffs.

³ The definition of "Plaintiffs" in the Decision includes the Ignition Switch Pre-Closing Accident Plaintiffs. *See id.* at 522.

(i) Notice of Appeal filed by the Ignition Switch Pre-Closing Accident Plaintiffs on June 10, 2015 [ECF No. 13194] and (ii) Ignition Switch Pre-Closing Accident Plaintiffs' Statement of Issues and Designation of Record on Appeal filed on June 22, 2015 [ECF No. 13236].

Designated Counsel plans to assist Ignition Switch Pre-Closing Accident Plaintiffs who wish to assert late claims against this chapter 11 estate in filing and seeking allowance of such claims on an omnibus basis. Accordingly, in the event that the Mootness Ruling is overturned on appeal, the Ignition Switch Pre-Closing Accident Plaintiffs may at a future time seek to recover on any allowed late proofs of claim from GUC Trust assets. Therefore, the Ignition Switch Pre-Closing Accident Plaintiffs join, adopt, and incorporate by reference all of the arguments and authorities contained in the Response/Request for Stay and reserve the right to be heard at any future hearing relating to the GUC Trust Motion or otherwise on any of the grounds set forth in the Response/Request for Stay.

Dated: June 24, 2015

Respectfully submitted,

/s/ William P. Weintraub
William P. Weintraub
Gregory W. Fox
GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
Tel.: 212.813.8800
Fax: 212.355.3333
wweintraub@goodwinprocter.com
gfox@goodwinprocter.com

*Designated Counsel for Ignition Switch
Pre-Closing Accident Plaintiffs*